

United States District Court
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

SAMUEL REYES
DOB: 11/22/69**CRIMINAL COMPLAINT**

CASE NUMBER: 00-1400105-LPC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief On or about July 23, 2000 in Suffolk county, in the District of Massachusetts defendant(s) did, (Track Statutory Language of Offense) knowingly engage in sexual contact with another person in circumstances that would have violated Title 18, United States Code, Section 2241, if the sexual contact had been a sexual act

in violation of Title 18 United States Code, Section(s) 2244(a)(1)

I further state that I am a Special Agent, FBI and that this complaint is based on the following facts:

see attached affidavit of David F. Donahue

Continued on the attached sheet and made a part hereof:

 Yes No

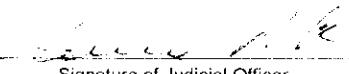
 Signature of Complainant
 DAVID F. DONAHUE

Sworn to before me and subscribed in my presence,

August 29, 2000
 Date

at _____
 Boston, MA
 City and State

LAWRENCE P. COHEN
 UNITED STATES MAGISTRATE JUDGE
 Name & Title of Judicial Officer


 Signature of Judicial Officer

AFFIDAVIT

I David F. Donahue, being duly sworn to hereby
depose in state as follows:

1. I am employed as a Special Agent of the Federal Bureau of Investigation and have been so employed for approximately thirteen years. I am currently assigned to Squad C-6, Boston Field Office, and have been so assigned since 1997. Part of my responsibilities on Squad C-6, which is responsible for the investigation of violent crimes, is the investigation of crimes committed on the high seas.

2. I am aware the Title 18, United States Code, Section 7, establishes jurisdiction for the enforcement of certain criminal laws of the United States within the "special maritime jurisdiction of the United States," by defining that term to include, in part, as follows:

The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

3. I am also aware that Title 18, United States Code, Section 113, makes it a federal crime and establishes penalties for certain assaults which occur within the special maritime jurisdiction of the United States. Section 113 specifically exempts from its reach assaults with intent to

1 commit any felony which constitutes a violation of Chapter
2 109A of Title 18 (Sexual Abuse), which contains its own
3 provisions for unlawful conduct occurring within the special
4 maritime jurisdiction of the United States.

5 4. Section 2241 of Chapter 109A of Title 18 of the
6 United States Code, provides in pertinent part: "Whoever, in
7 the special maritime jurisdiction of the United States,
8 knowingly causes another person to engage in a sexual act (1)
9 by using force against that other person, or attempts to do
10 so, shall [be guilty of a crime]." "Sexual act" is defined
11 in Title 18, United States Code, Section 2246(2) as including
12 genital-genital intercourse, genital anal intercourse, oral-
13 genital intercourse, and digital (or other object)
14 penetration.

15 5. "Sexual contact" is defined in Title 18 United
16 States Code, section 2246(3) to mean: "the intentional
17 touching, either directly or through the clothing, of the
18 genitalia, anus, groin, breast, inner thigh, or buttocks of
19 any person with an intent to abuse, humiliate, harass,
20 degrade, or arouse or gratify the sexual desire of any
21 person." Title 18 United States Code, Section 2244 makes it
22 a crime within the special maritime jurisdiction of the
23 United States to: "knowingly engage[] in or cause[] sexual
24 contact with or by another person, if so to do, would violate
25 (1) section 2241 . . . had the sexual contact been a sexual
26 act."

27 6. I submit this Affidavit in support of a
28 criminal complaint charging SAMUEL REYES ("REYES") with

knowingly engaging, within the special maritime jurisdiction of the United States, in sexual contact with another person in circumstances that would have violated Title 18, United States Code, Section 2241, if the sexual contact had been a sexual act, as those terms are defined in Title 18, United States Code, Sections 2246(2) and (3).

7 7. I submit this Affidavit based upon my own
8 investigation as well as upon information obtained from
9 others who investigated the matter or who had personal
10 knowledge of the facts therein. Since this Affidavit is
11 being submitted for the limited purpose of securing a
12 criminal complaint, your affiant has not included each and
13 every fact known to him concerning this investigation.

FACTS AND CIRCUMSTANCES

15 8. The cruise ship "Seabreeze" is a flag ship of
16 Panama, owned and operated by Premier Cruise Lines, a
17 corporation under the laws of Bermuda. It currently offers
18 cruises out of Boston, Massachusetts, leaving on Friday
19 afternoon and returning on Sunday morning. The cruises
20 originate in Boston, and involve no port of destination.
21 Rather, the "Seabreeze" cruises out into the Atlantic Ocean,
22 as many as 50 miles from the coast of the United States,
23 before returning to Boston.

24 9. On Sunday, July 23, 2000, at approximately 2:30
25 a.m., the "Seabreeze" was located in the Atlantic Ocean,
26 approximately 24 miles from the coast of the United States, a
27 location I know to be within the special maritime
28 jurisdiction of the United States, as that term is defined in

1 18 U.S.C. §7(1). At that time, REYES was employed as a
2 cleaner aboard the "Seabreeze." Aboard the "Seabreeze" at
3 that time was a female passenger that will be referred to
4 hereafter as JANE DOE.

5 10. I have spoken to JANE DOE since the night of
6 July 23, 2000, and she informed me of the following:

7 a. She was en route alone to the Seabreeze
8 Disco at approximately 2:00-2:30. a.m.,
9 when she became lost on board the ship.
10 She asked two crew members directions to
11 the Disco and one of the crew members,
12 later identified as SAMUEL REYES, advised
13 her to follow him.

14 b. REYES brought her to a dead end
15 passageway on board the ship and grabbed
16 her arms. REYES pushed her up against
17 the wall and began to pull her shirt and
18 bra up and away from her chest. While he
19 kept her forced against the wall, REYES
20 began kissing her neck and breasts and
21 attempted to unbuckle her pants.

22 c. REYES then pulled out a ring of keys from
23 his pocket, and while holding on to her,
24 tried unsuccessfully to open a door to a
25 nearby locked cabin.

26 d. Unknown individuals were then heard
27 conversing down the hallway of the ship.
28 The conversations startled REYES, and

she was able to break away from him at this time.

e. The sexual contact forced upon her was against her will. During the attack she repeatedly demanded that REYES let her go.

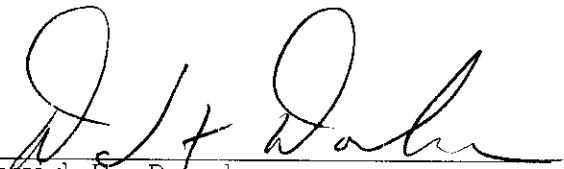
f. She immediately reported the attack to a crew member of the "Seabreeze."

g. REYES was subsequently identified as the perpetrator of the attack when she recognized him later that evening in the Disco and pointed him out to ship officials.

14 11. Crew members of the "Seabreeze" advised your
15 affiant that upon docking at Boston, Massachusetts on July
16 23, 2000, REYES, who had been kept under house arrest in a
17 cabin during the remainder of the cruise, was fired by Premier
18 Cruise Lines.

19 12. For the reasons set forth above, I believe
20 probable cause exists to conclude that on July 23, 2000,
21 SAMUEL REYES did, within the special maritime jurisdiction of
22 the United States, knowingly engage in sexual contact with
23 another person in circumstances that would have violated
24 Title 18, United States Code, Section 2241, if the sexual

1 contact had been a sexual act, as those terms are defined in
2 Title 18, United States Code, Sections 2246(2) and (3), in
3 violation of 18 U.S.C. §2244(a)(1).

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6 
7 David F. Donahue
8 Special Agent
Federal Bureau of Investigation

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10 Subscribed and sworn to before me this 29th day of August,
11 2000.

12 
13 LAWRENCE P. COHEN
14 United States Magistrate Judge

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